

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO. 3:22-cv-00607-MR-WCM**

MELISSA A. BINNS,

Plaintiff,

vs.

**MARTIN O'MALLEY,¹
Commissioner of Social Security,**

Defendant.

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ORDER

THIS MATTER is before the Court on the parties' briefs [Docs. 7,9] and the Magistrate Judge's Memorandum and Recommendation [Doc. 11] regarding the disposition of this matter.

Pursuant to 28 U.S.C. § 636(b) and a specific Order of referral of the District Court, the Honorable W. Carleton Metcalf, United States Magistrate Judge, was designated to consider the briefs filed in the above-captioned

¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley is hereby substituted for Kilolo Kijakazi as the defendant in this action.

action and to submit to this Court a recommendation for the disposition of this matter.

On December 18, 2023, the Magistrate Judge filed a Memorandum and Recommendation [Doc. 11] in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding the disposition of this matter. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

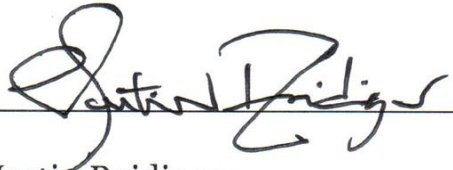
After a careful review of the Magistrate Judge's Memorandum and Recommendation [Doc. 11], the Court finds that the proposed findings of fact are correct and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation that the decision of the Commissioner should be affirmed.

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation [Doc. 11] is **ACCEPTED**, and the decision of the Commissioner is hereby **AFFIRMED**. This case is hereby **DISMISSED**.

A judgment shall be entered simultaneously herewith.

IT IS SO ORDERED.

Signed: January 11, 2024



Martin Reidinger
Chief United States District Judge

